

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID TARVER,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. C05-5237FDB

ORDER DENYING
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS

The Magistrate Judge has issued a Report and Recommendation that the Court deny Petitioner's application to proceed *in forma pauperis*. Petitioner does not object, but advises the Court that he has asked the Department of Corrections to issue a check for the filing fee, but that as of June 20, 2005 he has not received a response, although his counselor has assured him that a check would issue. Petitioner requests some time to send the filing fee to the Court. Petitioner shall have thirty days from the date of this Order in which to pay the filing fee.

The Court, having reviewed the report and recommendation, petitioner's application to proceed in *forma pauperis* and the remaining record, hereby finds and ORDERS:

- (1) the Magistrate Judge's report and recommendation is approved and adopted;
- (2) petitioner's application to proceed in *forma pauperis* is DENIED.
- (3) petitioner shall pay the required filing fee (\$5.00) to the Clerk of the Court within 30 days of the date of this Order, otherwise this action will be dismissed.
- (4) the Clerk is directed to send copies of this Order to petitioner and any other party that has appeared in this action.

DATED this 29th day of June 2005.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE